Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Further Streamlining Part 25 Rules Governing Satellite Services	)	IB Docket No. 18-314
	)	

COMMENTS OF INTELSAT LICENSE LLC

I. INTRODUCTION AND SUMMARY

Intelsat License LLC ("Intelsat") strongly supports the Federal Communications Commission's ("FCC" or "Commission") commitment in the above-referenced Notice of Proposed Rulemaking ("NPRM") to "simplify the Commission's licensing and regulation of satellite systems."[1] By eliminating needless regulatory barriers, the Commission can better enable satellite operators to deliver important services to the public. Intelsat broadly supports the proposals put forward by the FCC. In particular, should the FCC adopt a new unified space and earth station license, Intelsat agrees that it should be optional and recommends the FCC design any new licensing process in such a way that alleviates the potential for strategic warehousing. Intelsat also urges the Commission to clarify certain details of the unified licensing proposal before adopting it, such as procedures for license renewal. Additionally, while Intelsat appreciates the spirit of the "cure period" proposal, Intelsat does not think it is necessary and, in fact, could be counterproductive. Lastly, Intelsat proposes additional Part 25 streamlining measures in the spirit of those put forward by the FCC.

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[1] *Further Streamlining Part 25 Rules Governing Satellite Services*, Notice of Proposed Rulemaking, IB Docket No. 18-314, FCC 18-165, ¶ 1 (Rel. Nov. 15, 2018) ("*NPRM*").

II. DISCUSSION

A. Intelsat supports the Commission's proposals to remove burdensome and unnecessary requirements in Part 25.

Annual Reporting Requirement. Intelsat supports repealing Section 25.170's annual reporting requirement for satellite operators.[2] As the Commission noted, most of this information is duplicative and unnecessary.

Notification Requirement for Minor Modifications. Intelsat supports eliminating the notification requirement for minor modifications to licensed earth stations that do not increase the risk of interference.[3] However, Intelsat asks that the FCC commit to changing minor modifications—and other clerical and typographical fixes—on the relevant licenses within 30 days when requested via letter by earth station operators to ensure administrative clarity and public transparency of licensed operations.

Replacing the out-of-band emissions rule with the ITU standard. Intelsat supports the Commission's proposal to replace the Section 25.202(f) out-of-band emissions rule with Recommendation ITU-R SM.1541-6, "Unwanted emissions in the out-of-band domain."[4] Intelsat agrees with the Commission that adopting a clear, up-to-date, international standard will ease operators' regulatory burden and reduce confusion.

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2 *NPRM*, ¶ 17.

3 *NPRM*, ¶ 22.

4 *NPRM*, ¶ 19.

B. Intelsat supports an *optional* single network license, but the Commission should address the proposal's potential to exacerbate warehousing before its implementation.

Intelsat supports the Commission's proposal for "an optional licensing structure of a single network license for [geostationary orbit ("GSO")] FSS space stations and earth stations,"[5] to the extent that it (1) remains optional and; (2) addresses the potential for warehousing that may be exacerbated by this proposal. Additionally, Intelsat seeks clarification on several ambiguities and technical implications stemming from the proposal.

Intelsat supports the voluntary nature of this proposal. Although this licensing structure may prove useful for satellite operators with blanket earth station licenses, it is unlikely to facilitate more efficient licensing for operators with individually-licensed earth stations. In fact, mandating adoption of the unified license approach by all would hinder licensing for operators with individually-licensed earth stations by reducing flexibility in determining the location of any new earth station. Currently, individually-licensed earth stations are subject to a one-year buildout requirement,[6] and satellites are required to be operational within five years for GSO systems[7] and six years for non-geostationary orbit ("NGSO") systems.[8] This framework allows operators to apply for a satellite license without knowing exactly where corresponding earth stations will be, and then apply for any new earth station licenses at a later date—up to one year from the date of construction—when earth station locations have been finalized. If the unified license supplanted this option, operators would have to submit their earth station locations at the same time as their satellite license application, requiring operators to identify earth station

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5 *NPRM*, ¶ 6.

6 47 C.F.R. § 25.133(a).

7 47 C.F.R. § 25.164(a).

8 47 C.F.R. § 25.164(b).

locations much earlier in the process. This, in turn, would reduce operational flexibility. Accordingly, the Commission should maintain the voluntary nature of the unified license proposal to preserve flexibility.

The Commission should also address the increased potential for warehousing created by the unified license proposal. Because of the disconnect between the earth station buildout and satellite on-orbit operation timelines, the FCC proposes to extend the one-year buildout requirement for earth stations to match the associated satellite buildout deadlines.[9] This effectively creates the potential for an operator to sit on an earth station license for up to five years for GSO systems and six years for NGSO systems.[10] Should the FCC decide to extend its unified license proposal to other spectrum bands, this warehousing potential would be particularly troubling with respect to frequencies such as the 27.5-28.35 GHz, 37.5-40 GHz, and 47.2-48.2 GHz bands, where the Spectrum Frontiers proceeding limited FSS operations to three earth stations per county.[11] In those bands, earth station operators would have both an incentive and an opportunity to engage in strategic warehousing given the limited number of earth station locations.[12] To alleviate this issue, Intelsat proposes that the FCC either (1) extend the existing space station bond to include unified licensing earth station buildout; or (2) impose a separate

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9 *NPRM*, ¶ 16.

10 *Id.*

11 47 C.F.R. § 25.136(a)(4)(i), (c)(1), and (d)(1)(i). A three-earth station limitation is also one possible criterion—among other criteria in an "or" list—to obtain a license in the 24.75-25.25 GHz band. *Id.* § 25.136(g). Identical earth station limitation rules are pending in the 24.75-25.25 and 50.4-51.4 GHz bands. *See Use of Spectrum Bands Above 24 GHz For Mobile Radio Services*, Third Report and Order, Memorandum Opinion and Order, and Third Further Notice of Proposed Rulemaking, 13 FCC Rcd 5576, 5642-43 (2018).

12 *Cf. NPRM*, ¶ 14 ("In bands shared with other services, an earth station buildout requirement can prevent warehousing of spectrum to prevent deployment in other services.").

escalating bond requirement for unified licensed earth stations similar to the escalating bond requirement for satellite systems.

Intelsat supports the various ancillary proposals to the unified license put forward by the Commission. Intelsat supports expanding unified licensing to all FSS bands.[13] Intelsat also supports the Commission's proposal to "maintain separate licenses for earth stations communicating with GSO FSS space stations, but permit such earth station applicants to certify that they will comply with the terms and conditions of the space station network . . . ."[14] Without such a proposal, one would have to search for the corresponding satellite to find an earth station and thus create confusion when attempting to identify earth stations through the licensing database.

Lastly, Intelsat asks that the FCC clarify several ambiguities and implications stemming from the unified license proposal. As an initial matter, Intelsat seeks clarification on whether the proposal applies exclusively to GSO satellites or to both GSO and NGSO satellites.[15] In addition, Intelsat asks the FCC to address how the unified license system would deal with license modifications and renewals. Further, Intelsat would appreciate clarification on what procedure would govern if part of a network licensed under this scheme became unusable for some reason, such as the loss of a satellite. Would this circumstance trigger termination of corresponding earth station licenses or require the license holder to modify the whole network license to remove

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13 *NPRM*, ¶ 9.

14 *NPRM*, ¶ 11.

15 *Compare NPRM*, ¶ 6 ("We propose to adopt an optional licensing structure to a single network license for GSO FSS space stations and earth stations.") *with* ¶ 16 ("We propose that earth stations authorized through Section 25.126 have a buildout requirement defined by the date the associated satellite becomes operational, up to five years for a GSO satellite *or six years for an NGSO satellite* . . . ." (emphasis added)).

it? Intelsat urges the Commission to iron out these details prior to adoption of the unified licensing proposal.

C. The Commission should create new licensing and regulatory fees that are commensurate with the value received from the unified license.

Intelsat supports the Commission's proposal to create a new licensing fee that would "reflect the dual earth station and space station elements of the unified license."[16] Simply applying the current space station application fees would provide a unified license applicant with an earth station license for free, effectively penalizing operators that are likely to rely more heavily on separately-licensed earth stations or who cannot take advantage of the system because of the frequency limitations. Additionally, the Commission should create a new regulatory fee for a unified license that is commensurate with the earth station and space station elements of the unified license. Licensing and regulatory fees should apply not only to U.S. licensees, but also non-U.S.-licensed satellite operators that have been granted market access. As Intelsat has explained, the discrepancy in the cost of operating in the U.S. gives foreign-licensed operators a competitive advantage over their U.S.-licensed competitors.[17]

D. The proposed 60-day "cure period" is not necessary and, in fact, could undermine the FCC's first-come, first-served licensing policy.

While Intelsat supports the FCC's broad efforts to streamline Part 25's procedural requirements, the proposal to "allow applicants to correct any errors or omissions within 60 days

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16 *NPRM*, ¶ 12.

17 *See, e.g.*, Comments on Intelsat License LLC, MD Docket Nos. 15-121 and 14-92, at 3-4 (June 22, 2015); Comments of Intelsat License LLC, MD Docket Nos. 12-201, 13-140, and 14-92, at 1-10 (July 7, 2014); Reply Comments of Intelsat License LLC, MD Docket Nos. 12-201, 13-140, and 14-92, at 1-8 (July 21, 2014).

of a Commission request"[18] should not be adopted as part of this streamlining for two reasons. *First*, satellite operators are generally sophisticated applicants that are familiar with the procedural requirements of these applications. Although the rationale for this proposal is to prevent the "dismissal of an application for minor errors or omissions,"[19] no commenter in the 2016 biennial review process identified specific instances where an applicant's application was dismissed due to minor errors or omissions.[20] *Second*, as the Commission noted, this proposal creates opportunities for gamesmanship by allowing satellite operators to file "placeholder applications designed to reserve the position of a woefully incomplete application in the first-come, first-served queue."[21] Accordingly, the proposed cure period should not be adopted because it is both unnecessary and potentially counterproductive.

E. Intelsat further supports Part 25 streamlining efforts in the spirit of those raised in the NPRM.

In addition to the proposals raised by the Commission, Intelsat asks the FCC to consider the following additional proposals that would "simplify the Commission's licensing and regulation of satellite systems."[22]

- Adding a point of communication that is located within the coordinated arc specified in an earth station license should be considered a minor modification, because it does not increase the risk of interference. Pursuant to the FCC's proposal to eliminate the notification requirement for minor modifications that do not increase the risk of

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18 *See NPRM*, ¶ 20.

19 *See* Comments of Echostar Satellite Operation Corporation and Hughes Network Systems, LLC, IB Docket No. 16-131, at 6 (Dec. 5, 2016).

20 *See id.* at 6; Ex Parte Notice Echostar Satellite Operation Corporation and Hughes Network Systems, LLC, IB Docket No. 16-131, at 4 (Mar. 21, 2017); Ex Parte Notice Echostar Satellite Operation Corporation and Hughes Network Systems, LLC, IB Docket No. 16-131, at 4 (Jan. 10, 2017).

21 *NPRM*, ¶ 21.

22 *NPRM*, ¶ 1.

interference, this action should therefore not require FCC notification. This change would reduce the Commission's burden without increasing the risk to other operators.

- Clarify Section 25.118(b) to permit minor earth station modifications—for which notifications are not required—for equipment operating within emission and other authorized technical limits, and not just for "electrically identical" equipment. Operators should be able to add terminals that operate within the emission mask of the licensed terminal. Doing so would increase flexibility without posing a risk of additional interference to other users.

- Earth station antenna ID modifications should be considered a clerical or typographical change, not subject to FCC approval. Change to an antenna ID would not impact other service providers or change the operational parameters of the license. Commission review is therefore unnecessary.

- Create a mechanism in the electronic earth station licensing application FCC Form 312 to input WGS84 coordinates. Applicants are required to specify coordinates in this format,[23] and the lack of an option to do so directly on the form has resulted in confusion and may also be resulting in inconsistent use of the standard.

- For earth station licenses, change the current 60-day renewal period starting 90 days and ending 30 days in advance of a license expiration date to a 365-day renewal period starting 365 days in advance of, and ending on, the license expiration date. Given that earth station licenses are for 15-year periods, it is appropriate to extend the renewal period beyond the current 60 days.

- Remove emission designators from earth station licenses and replace with bandwidth. The FCC does not require this information as part of its satellite licensing process. Thus, applying this change will create parity between space and Earth station licensing.

- Make the electronic Schedule B Form 312 more user-friendly by:

    - Allowing users to delete sections that are no longer needed. Currently, if a section is added, it cannot be removed, and if fields contain values, those values cannot be removed.

    - Allowing users to save the contents of multiple sections at once, instead of through a section-by-section validation process.

    - Adding a multi-user login capability.

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[23] *See International Bureau Addresses Accuracy of Earth Station Location Information in IBFS*, Public Notice, 32 FCC Rcd 9512 (2017).

- Generating an error message when a value exceeds the limits enumerated in Part 25. This complicates matters by forcing applicants to submit a placeholder figure in the Form 312 and then clarify the matter in a separate narrative attachment.

- Delete or update Section 25.110(e), which requires operators to keep an original *paper* copy of an electronically filed application. This rule is out-of-date and wasteful. At a minimum, the Commission should update the rule to allow operators to keep a digital copy. Elimination of this record-keeping requirement is consistent with the FCC's goal of "reducing outdated regulations and unnecessary regulatory burdens that can impede competition and innovation."[24]

- Change Section 25.118(e)(4) so that the space station licensee is not limited to "tracking, telemetry, and command functions" during the drift period,[25] and, instead, require a certification that operations are limited to coordinated transmissions during the relocation and drift transition period. This change would make the rule more useful to operators, without increasing the risk of interference.

- Delete Sections 25.112(a)(3) and (b), which require dismissal of applications for satellite operations in a frequency band not allocated internationally for such operations. These provisions are unnecessary and especially problematic where operators want to use new frequency bands that do not yet have an ITU FSS allocation. The Commission should allow its staff to review such requests on a case-by-case basis.

- Revise Sections 25.117(d)(1)-(3) to codify the longstanding presumption that satellite operators' fleet management decisions receive due deference.

- Revise Section 25.210(j) to permit maintaining GSO satellites within 0.1° of their assigned orbital longitude consistent with less stringent ITU east-west station-keeping requirements.

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[24] *Amendment of Parts 74, 76 and 78 of the Commission's Rules Regarding Maintenance of Copies of FCC Rules*, Report and Order, 33 FCC Rcd 2425, ¶ 1 (2018) (eliminating rules requiring certain broadcast and cable entities to maintain paper copies of the Commission's regulations).

[25] 47 C.F.R. § 25.118(e)(4)

III. CONCLUSION

Intelsat appreciates the opportunity to participate in this proceeding and supports the Commission's effort to streamline Part 25 rules. Intelsat agrees with the FCC that the single licensing proposal must remain voluntary, as well as encourages the Commission to take steps to ensure this licensing approach will not exacerbate warehousing concerns. Intelsat also asks the Commission to consider its additional proposals to streamline Part 25.

Respectfully submitted,

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